

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re :
 : Chapter 13
 VIVIAN WOODBURY, :
 : Bankruptcy No. 20-13995 (AMC)
 Debtor. :
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**THE CITY OF PHILADELPHIA’S
OBJECTION TO THE PROPOSED CHAPTER 13 PLAN**

TO THE HONORABLE ASHELY M. CHAN:

AND NOW, comes the City of Philadelphia, (the “City”), a secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Deputy City Solicitor, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-4, to object to the proposed Chapter 13 plan (the “Plan”), of the above-captioned debtor, (the “Debtor”). The City avers the following in support thereof:

1. On October 6, 2020, the Debtor filed a voluntary petition (the “Petition”) for Chapter 13 bankruptcy with this Court.

2. On October 6, 2020, the Debtor filed a list of all real property owned by her, which included the property located at 6320 Cherokee Street, Philadelphia, Pennsylvania (the “Subject Property”). A copy of the Debtor’s Schedule A/B is attached hereto as **Exhibit A**.

3. The Debtor values the Subject Property at One Hundred Forty-Seven Thousand Two Hundred Thirty-One Dollars (\$147,231.00). See Exhibit A.

4. On December 3, 2020, the City filed a secured claim in the amount of Three Thousand One Hundred Sixty Dollars and Eight Cents (\$3,160.08) for unpaid

water repair debt in connection with the Subject Property (the “Water Repair Claim”). A copy of the proof of claim filed by the City is attached hereto as **Exhibit B**.

5. On December 18, 2020, the City filed a secured claim in the amount of Three Thousand Three Hundred Forty-Six Dollars and Five Cents (\$3,346.05) for unpaid water debt in connection with the Subject Property (the “Water/Sewer Claim”). A copy of the proof of claim filed by the City is attached hereto as **Exhibit C**.

6. As neither the Debtor nor another party in interest has objected to the Water Repair Claim and the Water/Sewer Claim, they are deemed allowed. See 11 U.S.C. § 502(a).

7. On October 6, 2020, the Debtor filed the Plan, which provides a total payment in the amount of Five Thousand Six Hundred Thirty Dollars (\$5,630.00) towards the Water Repair Claim and the Water/Sewer Claim. A copy of the Plan is attached hereto as **Exhibit D**.

8. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. 1325(a)(5)(A).

9. The Plan should not be confirmed as it fails to specify correct payment, and thus does not ensure that distributions under the plan are not less than the allowed amount of the Water Repair Claim and the Water/Sewer Claim. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: January 25, 2021

By: /s/ Pamela Elchert Thurmond
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